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August 18, 2008

The Honorable Claudia Wilken
District Judge
United States District Court for the Northern District of California
1301 Clay Street
Oakland, California 94612-5212

Re: *California Restaurant Association v. The County of Santa Clara, et al.*
Case No. CV-08-03685 CW

Dear Judge Wilken:

I write on behalf of Defendants County of Santa Clara and the Santa Clara County Public Health Department in relation to Plaintiff's letter submitted to the Court earlier today, August 18, 2008, in the above-referenced matter. In their letter, Plaintiff requests that the Court (1) grant the County's proposed briefing schedule, (2) allow Plaintiff to file a single reply to both the County of Santa Clara's opposition brief and the opposition brief filed by the City and County of San Francisco, and (3) stay the implementation of enforcement of the ordinances for six weeks after the hearing date.

Defendants are pleased to inform the Court that they can meet the schedule set forth in the Court's August 15th Order and will file their opposition brief by tomorrow, August 19th. For this reason, Defendants hereby withdraw their request for an amended briefing schedule.

As to Plaintiff's request that it be allowed to file a single reply to Defendants' opposition briefs as well as to the opposition filed by the City and County of San Francisco in the related case, the County does not object to that request. Defendants have also conferred with counsel for the City and County of San Francisco and they have authorized us to represent to the Court that they too have no objection to Plaintiff's request to file a single reply. Were the Court to grant Plaintiff's request to file a single reply, counsel for defendants in both cases would not object to an August 22nd filing date for that combined reply.

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Finally, Defendants strongly object to Plaintiff's request to stay implementation of the ordinance for six weeks after the hearing date.

Respectfully Submitted,

ANN MILLER RAVEL
County Counsel

/S/
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